

Division of Behavioral Health Services

Bureau of Compliance

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TO: RBHA CEOs and TRBHA Directors

FROM: Victoria Navarra
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Margaret Russell
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SUBJECT: **POLICY CLARIFICATION: T/RBHA Distribution of ADHS/DBHS' Notice of Privacy Practice**

DATE: February 21, 2008

This memorandum is intended to clarify the responsibilities of Tribal and Regional Behavioral Health Authorities (T/RBHAs) in meeting the Arizona Department of Health Services/Division of Behavioral Health Services (ADHS/DBHS) new policy requirements to assist ADHS/DBHS in disseminating the ADHS/DBHS-specific HIPAA Notice of Privacy Practice (NPP).

The NPP outlines the uses and disclosure of Protected Health Information that may be made, and notifies the enrolled person of his/her rights and ADHS/DBHS' legal duties with respect to Protected Health Information. As a health plan under HIPAA regulations, ADHS/DBHS must ensure that new enrollees receive the ADHS/DBHS Notice of Privacy Practice (See 45 CFR § 164.520 (c)(1)(B)).

In an effort to effectively disseminate the ADHS/DBHS' Notice of Privacy Practices to new enrollees, T/RBHAs must ensure that new enrollees receive the ADHS/DBHS NPP at intake or at the first appointment when new enrollees receive critical information regarding their care.

Requirements indicated in the Policy Clarification Memorandum will be incorporated into the updated ADHS/DBHS Provider Manual Section 3.3, *Referral and Intake Process* (formerly known as, *Referral Process*).

T/RBHAs may download English and Spanish versions of the ADHS/DBHS NPP from the ADHS/DBHS website at http://www.azdhs.gov/bhs/hipaa/notice_0306.pdf.